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Notice of Allowability	Application No.		Applicant(s)	
	10/795,764		LAMBINO, DANILO L.	
	Examiner		Art Unit	
	Brian P. Mruk		1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11 October 2005.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

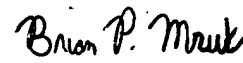
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>10-11-05</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|--|--|


 Brian P. Mruk
 Primary Examiner
 Tech Center 1700

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Taylor et al, U.S. Patent No. 6,204,230, discloses a personal care composition comprising 1-50% by weight of a polyhydric solvent, 1-50% by weight of a hydrotrope, 1-25% by weight of a surfactant, 0-5% by weight of an antimicrobial agent, and water (see col. 1, line 59-col. 2, line 1). It is further taught by Taylor et al that the composition optionally contains 0-5% by weight of a gelling agent (see col. 14, lines 36-59), and chelating agents, such as EDTA (see col. 12, lines 12-13). However, patentee differs from applicant in that Taylor et al does not teach or suggest in general a composition that contains 1-20% by weight of water, as required by applicant in the instant invention. Specifically, the examiner notes that the personal care compositions disclosed in Examples 9-12 of Taylor et al contain between 53.86-74.8% by weight of water, which is well above the 1-20% by weight of water required in the instant claims. Furthermore, the examiner construes the term "rehydratable" to mean a composition that is first prepared as a liquid composition, then is dried into a solid composition that readily absorbs water and rehydrates, as defined by applicant on page 3, lines 16-20 of the instant specification. Also, the examiner asserts that the 1-20% by weight of water required in the instant claims is crucial, since the composition does not need to be bottled and does not need preservatives, which would add to the cost of the product (see page 1, lines 17-27 of the instant specification). Therefore, the examiner asserts that Taylor et al does not teach or suggest in general a rehydratable personal care composition that is in solid form and contains 1-20% by weight of water.

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It is further noted by the examiner that the references cited in the European Search Report do not teach or suggest in general a rehydratable personal care composition containing the components required in the instant claims.

Accordingly, the claims viewed as a whole would not have been obvious to one of ordinary skill in the art at the time of the invention after viewing the prior art of record.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

BPM

Brian Mruk
October 18, 2005

Brian P. Mruk

Brian P. Mruk
Primary Examiner
Tech Center 1700